

### **ARTICLE 3. WHEN SITE PLAN REVIEW IS REQUIRED**

- 3.1 APPLICABILITY:** Site Plan Review is required when any development is proposed of land for nonresidential use or multi-family dwelling units. This includes new or expanded building or change or expansion of the use of land as outlined to follow. Site plan approval is required before any development is begun including construction, land clearing, building development or change is begun, and before any permits are granted. The Planning Board has final authority for interpreting whether or not a Site Plan Review is required for a particular development, change of use, change in site layout or change in other condition.

The following outlines what projects are subject to a Major Site Plan Review, a Minor Site Plan Review and projects that are not subject to any Site Plan Review.

A Site Plan is required for both Major and Minor Site Plan Review projects. New Major Site Plan Review projects require a Site Plan that complies with Section 6.7 - Site Plan. New Minor Site Plan Review projects require a Site Plan that complies with Section 7.7 – Site Plan. Major and Minor Site Plan Review projects may use a Site Plan previously approved by the Planning Board and on file in Town Records as the base for a new site plan. Prior to meeting with the Planning Board, the Applicant should determine the status of a Site Plan for the property.

**3.2 WHEN A MAJOR SITE PLAN REVIEW IS REQUIRED:**

- 3.2.1 The use of property for new nonresidential uses and all new nonresidential principal and accessory buildings and structures.
- 3.2.2 The use of property for new or expanded multi-family dwelling units, which are defined as any structures containing more than two (2) dwelling units whether or not such development includes a subdivision or re-subdivision of the site. No Site Plan Review shall be required for one-family or two-family dwelling units and their accessory uses or structures.
- 3.2.3 An expansion of a principal or accessory building or structure 500 square feet or greater.
- 3.2.4 An expansion of use.
- 3.2.5 Uses subject to Site Plan Review as contained in Zoning Ordinance and listed below:
  - 3.9 Spreading of Municipal Sewage Sludge
  - 4.2 Business District - Uses Permitted
  - 4.3 Business District - Uses permitted by Special Exception
  - 5.3 Residential District - Uses Permitted

- 5.4 Residential District - Uses permitted by Special Exception
- 6.4 Blodgett Landing - Uses Permitted
- 6.5 Blodgett Landing - Uses permitted by Special Exception
- 11.3 Mt. Sunapee - Uses Permitted
- 11.4 Mt. Sunapee - Uses permitted by Special Exception
- 13.1 Recreation Camping Park
- 17. Personal Wireless Service Facilities
- 3.2.6 A use not permitted by the Zoning Ordinance, but a use permitted by variance by Zoning Board of Adjustment approval.
- 3.2.7 An increase in the number of nonresidential permitted uses and/or area within an existing nonresidential property.
- 3.2.8 Land Application of Municipal Sewage Sludge. (See Site Plan Review Article XI for submittal requirements).

### **3.3 WHEN A MINOR SITE PLAN REVIEW IS REQUIRED:**

- 3.3.1 The proposal is a change to a Site Plan approved by the Planning Board, which is on file in Town records.
- 3.3.2 The proposal involves an expansion of less than 500 square feet of an existing approved principal or accessory building or structure.
- 3.3.3 The proposal involves a change to the exterior appearance of an existing approved principal or accessory building, or structure used for nonresidential uses or for multi-family dwelling units.
- 3.3.4 The proposal involves minor changes in site layout including but not limited to parking, access, and any increase in total paved area and exterior lighting previously approved by the Planning Board.
- 3.3.5 Request for change of use from one permitted use to another permitted use in the same zoning district. The owner shall meet with the Planning Board to discuss the change in use plans prior to opening for business and for the Planning Board to determine if a Site Plan Review is required and to communicate any particular conditions that may apply to that site from a previous site plan approval or town regulations that apply to the site or its use. If the change in use does not result in any exterior changes to the site or the building, Site Plan Review is typically not required.
- 3.3.6 Cottage Industry

### **3.4 SITE PLAN REVIEW IS NOT REQUIRED FOR THE FOLLOWING:**

- 3.4.1 For a new tenant of a multi-tenant building where the new tenant's business use does not deviate from the current permitted use of the tenant's space in the building.
- 3.4.2 Internal building modifications to a nonresidential building where the building footprint of the existing structure is unchanged, and the building modifications does not affect scale, impact or activity level of the current permitted use.
- 3.4.3 When there is a change in ownership or tenancy of a property that is used for nonresidential uses without a change of use.
- 3.4.4 Home Occupations are not subject to Site Plan Review as per Sections 4.2.3, 5.3.4 and 6.4.2 of the Zoning Ordinance.
- 3.4.5 Pursuant to the provisions of NH RSA 674:21, the Conditional Use Permit authorized in Section 17.2.3 of the Personal Wireless Service Facility **ARTICLE** in the Zoning Ordinance replaces the need for an applicant to secure Site Plan Review approval from the Planning Board as specified in **ARTICLE III** of the Site Plan Review Regulations. The Conditional Use Permit addresses site elements and issues.

### **ARTICLE VII: APPLICATION REQUIREMENTS – MINOR SITE PLAN REVIEW**

- 7.1 Introduction:** The standards and requirements in Article IX. STANDARDS FOR PROPOSED DEVELOPS - will be used by the Board in its review of all Site Plans submitted. The Board will accept, as complete, an application for Minor Site Plan Review which consists of the materials outlined below.
- 7.2 Documentation:** In addition to one (1) copy of each of the materials, the applicant shall provide for use of the Board members ten (10) 11" x 17" copies and four (4) full-size (24"x36") copies of each plan (Section 7.8) and ten (10) copies of the documents required in Sections 7.9 and 7.10.
- 7.3 Application Form:** An application form provided by the Board completely filled out.
- 7.4 Check for Fees:** A check for the required fees, which shall be calculated from the Board's fee schedule.
- 7.5 Agency Letter:** Written authorization from the landowner of record for any agent(s) to represent the owner.

**7.6 Abutters List:** The abutter list (on Planning Board form) shall include the following:

- 7.6.1 the applicant (owner and agent if applicable),
- 7.6.2 the abutters (see definition in Section 2.2 of Site Plan Review),
- 7.6.3 holders of conservation, preservation, or agricultural preservation restrictions on the land under consideration,
- 7.6.4 every engineer, architect, land surveyor, or soil scientist whose professional seal will appear on any plat submitted to the Board.
- 7.6.5 The names and addresses of all abutters shall be selected from the town records not more than five (5) days before the date of filing the application.
- 7.6.6 When common land abuts the subject land, all persons with an interest in that land shall be on the abutter list.

**7.7 Site Plan:** If a Planning Board approved Site Plan is on file in Town Records the applicant may use it as the base for the new site plan. The new site plan must clearly show plan changes with notations of changes and a new signature block as shown in Site Plan Review Regulations Section 6.7.3.

7.7.1 If a Planning Board approved Site Plan is not on file in Town records, the applicant may use the following 7.8 Site Plan criteria:

## **7.8 Site Plan Requirements**

7.8.1 Using scale that utilizes a “full-size” (24”x36”) sheet of paper using straight-edge and ink or a software application that results in a professional full-size view of the Site – include the following:

7.8.1.1 **Place following Information Block in lower left corner**

Zoning Ordinance District: X-----X  
“Use” Applied For: (Enter use permitted in zoning district by Zoning Ordinance)

Newbury Tax Map: xxx-xxx-xxx  
Property Location: X-----X  
Owner of Record:     Name  
                              Address  
Plan Prepared by:     Name  
                              Address

7.8.1.2 **Place following Signature Block where convenient:**

Approval Date: \_\_\_\_\_

TOWN OF NEWBURY, NH PLANNING BOARD  
Signatures of Board

_____	_____
Chair	
_____	_____
_____	_____
_____	_____

- 7.8.1.3 On the Site Plan:
- 7.8.1.3.1 **Show** & Identify “Scale” at bottom of plan - e.g. (1” = 20’);
  - 7.8.1.3.2 Show “North Arrow” where convenient;
  - 7.8.1.3.3 Show & Identify property Town/State fronting street;
  - 7.8.1.3.4 Show boundary lines of the area included in the site. Use Deed documents for boundary measurements. If measurements not evident from Deed - applicant may use Newbury’s online Assessing Database. Identify in Plan Notes if assessing database used for boundaries. (Typically, a boundary survey by a licensed land surveyor is not required. However, the Board may require one as they deem it necessary in a particular situation);
  - 7.8.1.3.5 Show the location and dimensions of existing and proposed building footprints or other significant structures. Additionally, show the rough location of site features such as existing streams, ponds or lakes or wetlands on the property;
  - 7.8.1.3.6 Show location of all existing and/or proposed driveways, on-site parking and landscape buffering;
  - 7.8.1.3.7 Show location of water and sewer lines or on-site sanitary and water systems serving the property;
  - 7.8.1.3.8 Show location of any proposed signage including a separate picture or drawing, with dimensions, of each sign on the property, or proposed to be placed on the property;
  - 7.8.1.3.9 Show location and type of outdoor lighting.
- 7.8.1.4 Provide a site Location Map which shall show the proposed development in relations to State or Town roads. (Assessor’s DB)

**7.9 Written Summary:** Provide a written summary describing the proposed site development and the proposed use(s). Where applicable, include each of the items below.

- 7.9.1 describes the proposed business, area (sq. ft.) within the building(s) allocated to the proposed business, and the percentage this area represents of the total floor area.

- 7.9.2 days and hours of operation
- 7.9.3 number of employees
- 7.9.4 the extent of normal customer/business traffic including truck deliveries
- 7.9.5 an estimate of the maximum hourly traffic into and out of the premises, traffic flows on connecting roads, special traffic problems and how the applicant proposes to mitigate them
- 7.9.6 data and calculations used to arrive at the number of parking spaces specified
- 7.9.7 the need for utility services by type
- 7.9.8 any other information which will clarify the proposal to the Board.

**7.10 Additional Information:** The Board may require such additional information as it deems necessary in order to evaluate the proposal in relation to the purposes and scope of these regulations.

7.10.1. Professional mapping and documentation of the following natural resources may be required by the Planning Board if the need is identified during the Site Plan Review process:

- 7.10.1.1. Wetlands & Wetland Buffers;
- 7.10.1.2. 100 Year Floodplains;
- 7.10.1.3. Steep Slopes; and
- 7.10.1.4. Aquifers.

7.10.2. A New Hampshire Licensed Professional Surveyor's Property Boundary Survey may be required by the Planning Board during the site plan review process if there are issues with property boundary issues or issues with lot dimensions.

7.10.3. A Drainage Plan prepared by a New Hampshire licensed Civil Engineer may be required by the Planning Board during the Site Plan Review process if more than an additional 500 square feet of area is disturbed.